

Law Enforcement

Fiscal Year 1999 Annual Report Region 3

Wildlife Inspector Keri Halpern is one of nine inspectors in Region 3. Inspectors are located at International ports of entry at airports in Chicago, Ill., and Detroit, Mich.

USFWS Photo



Program Description and Mission

The Law Enforcement Program in Region 3 is comprised of 28 Special Agents, nine Wildlife Inspectors, and essential support staff located at the Regional Office at Fort Snelling, Minnesota, and in field offices throughout the eight state area of the upper Midwest. The broad mission of the enforcement program is to protect foreign and native wildlife - both on and off Service lands - through the application of an assortment of federal wildlife laws, as well as other federal statutes relating to smuggling, conspiracy, and money laundering. These laws include: Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, Marine Mammal Protection Act, Endangered Species Act, Lacey Act and the National Wildlife Refuge System Administration Act.

The application and enforcement of these and other laws is essential to effectively counteracting the illegal trade in wildlife, which, at the international level is estimated to be the second largest form of black market commerce in the world - second only to drug trafficking.

Summary of Fiscal Year 1999 Accomplishments



Special Agent Ed Spoon of the Madison Law Enforcement Office helped develop a statewide Habitat Conservation Plan for the endangered Karner blue butterfly in Wisconsin.

Photo by John Christian

1999 saw the close of a five year joint state and federal investigation into illegal clamming activities in the Midwest with the sentencing of the Mississippi Valley Shell Company of Muscatine, Iowa, formerly the second largest shell buying/exporting company in the United States, and seven other defendants. The investigation began in the spring of 1995 when Illinois Conservation Officers received information regarding the unlawful take of freshwater mussels, also known as clams, from the Rock River and the sale of those clams to the Mississippi Valley Shell company. The investigation was coordinated with Iowa Conservation Officers and Service Special Agents from Illinois, Iowa, and Wisconsin. The investigation revealed that freshwater mussels from Illinois, and other closed waters in Wisconsin, Minnesota, North Dakota, Michigan, and Ohio, were being taken in violation of various state laws. The defendants pleaded guilty in October, 1998.

Mississippi Valley Shell company purchased the largest, most valuable mussels from independent buyers and clambers with full knowledge that they had been taken from waters where state law prohibited their harvest. The shell, which form the basis for an estimated \$5 billion international cultured pearl industry, were then laundered through Muscatine, Iowa, and shipped to Japan. As commercial quantities of shells became scarce in legal areas of the Midwest, prices soared from \$1- 4 per pound to as much as \$22 per pound at the time of the investigation. Mississippi Valley Shell Company and its suppliers began looking for any source of shells, legal or illegal, which led them to the protected mussel beds of Minnesota, Wisconsin, Ohio, Michigan, Illinois, and North Dakota. A federal Grand Jury, convening in Des Moines, Iowa, indicted the defendants on a total of 72 felony violations of the Lacey Act. Sentences handed down in January included \$257,500 in fines, \$126,000 order to be paid in restitution to the states, 4 years of prison time, and over 15 years of supervised release.

Freshwater mussels are some of the most endangered species of animals in North America. Of the approximately 300 species of known mussels, 30 are already extinct and another 70 are either threatened or endangered.

Canadian Fisherman Sentenced

A Canadian commercial fisherman from Port Stanley, Ontario, pleaded guilty and was sentenced in U.S. Federal Court in Cleveland, Ohio, to two years probation and ordered to pay \$15,425 for violating the Lacey Act after harvesting fish from U.S. waters of Lake Erie. L.R. Jackson Fisheries Ltd. was ordered to pay \$15,000 to the National Fish and Wildlife Foundation's Great Lakes Conservation Fund. On two occasions in 1997 the 60 foot fishing vessel, the L.R. Jackson, was observed using gill nets to illegally harvest fish from U.S. waters of Lake Erie in violation of Ohio state law. On both occasions, a U.S. Coast Guard patrol

aircraft observed the vessel operating within U.S. waters. The Coast Guard crew also videotaped the L.R. Jackson harvesting fish by gill net from the lake.

U.S. laws strictly regulate fish harvest and commercial fishing on U.S. waters of the Great Lakes. Canadian law, however, encourages commercial fishing in Canadian waters, including the use of gill nets. Gill nets are forbidden in the U.S. waters of Lake Erie. Lake Erie is home to the largest Canadian commercial fishing fleet on the Great Lakes. Because of their large numbers, and the competition for fish in Canadian waters, some fisherman are tempted to venture illegally into U.S. waters in search of a better catch. The Coast Guard and the Service have been working together for the past 10 years in an effort to increase patrols of the Great Lakes fisheries to deter this type of activity.

First Wild Exotic Bird Conservation Act Investigation Concluded

On January 29, 1999, U.S. District Judge Elaine Bucklow sentenced Bird's Haven Inc. to a \$7,000 fine and revoked the companies import/export license for a period of five years. The company also abandoned 1,000 live African ring-necked parakeets to the federal government as a condition of probation in connection with its plea of guilty to a one count felony information charging it with illegally importing birds protected by the Wild Exotic Bird Conservation Act. This investigation by Service special agents resulted in the first-ever charges under the WBCA, and were based upon the strict liability that the statute imposes on commercial bird importers. The charges stem from Bird Haven's March, 1995, importation of approximately 2,300 African ring-necked parakeets, listed under Appendix III of the Convention on International Trade in Endangered Species, from Mali into Chicago's O'Hare International Airport. The surviving birds were sold at auction by USFWS for approximately \$20,000. The court remarked that it considered illegal wildlife importation to be a significant violation in rejecting the defendant's contention that since the corporation was no longer operating and claimed no assets that it should receive no fine.

Wisconsin Corporation Pays \$30,000 for Violating Migratory Bird Treaty Act

Weyco Group Inc., a shoe manufacturer of Glendale, Wisconsin, pleaded guilty before a United States Magistrate Judge in Milwaukee in September, 1999, to unlawfully killing a ring-billed gull. The investigation began in June when tenants of nearby buildings notified the Wisconsin Department of Natural Resources that people atop the Weyco warehouse were killing gulls with shovels and throwing birds and nests over the side of the building. Wisconsin DNR wardens notified Service Special Agents who began an investigation. Agents discovered that Weyco employees had, in fact, killed and removed several hundred young ring-billed and herring gulls from the roof of the Glendale building. The Service had issued Weyco Group a depredation permit to remove gull nests and eggs from the roof. During the permit issuing process, the Service and the U.S. Department of Agriculture, Wildlife

Services, specifically told Weyco employees that the permit did not allow the killing of live birds.

Weyco Group Inc. entered the plea as part of a plea agreement in which the corporation admitted to violating the Migratory Bird Treaty Act. The agreement resulted in a \$15,000 criminal fine, the maximum under the Migratory Bird Treaty Act, and a \$15,000 donation to the National Fish and Wildlife Foundation, to be used for conservation of colonial water birds.

Restaurant Owner Convicted of Smuggling

A federal grand jury in Chicago, Illinois, returned a four-count indictment against a suburban Nashville, Tennessee, man alleging that he illegally imported wildlife merchandise into the United States through Chicago's O'Hare International Airport. The defendant, an officer in an African jungle theme restaurant in Madison, Tennessee, was charged with attempting to smuggle three African dwarf crocodile skins, one full leopard skin, four African elephant ivory statutes and seven African elephant ivory beads from the Ivory Coast. In January of 1996 the items were seized as the man tried to move the items through U.S. Customs. The items were destined for display in the African theme restaurant. The Nashville man was charged with one count of violating the Lacey Act by illegally possessing and transporting wildlife products, one count of smuggling, and two counts of making false statements - one on a customs declaration form stating that he was not bringing any wildlife products in to the United States, and the other to a customs inspector, denying that he was carrying any animal products that he had acquired abroad.

The defendant was sentenced by a U.S. District Judge in the northern District of Illinois to a \$5000 fine, two years of supervised probation, and 200 hours of community service on Cross Creek National Wildlife Refuge.

Special Agent Position Created, Dedicated to Contaminants

In January, 1999, the Region 3 Division of Law Enforcement established a Special Agent position dedicated to the investigation and prosecution of contaminant related impacts to Service trust resources on a Regional basis. This position is co-located with the Environmental Protection Agency/Criminal Investigation Division in Chicago, Illinois, and is currently staffed by SA Joseph Budzyn. The Regional Contaminant Agent position is considered to be part of the Regional Office staff and represents the interests of the Division of Law Enforcement in Region 3 with respect to contaminant related issues on a Regional basis. This position will operate somewhat as a "sub-program" within the Region and will have SA Budzyn acting as a subject matter expert on contaminant related investigations and prosecutions. SA Budzyn's Regional representation for contaminant issues is expected to include the expression of Law Enforcement interests

with other Service divisions, such as, Ecological Services, Division of Environmental Contaminants; representing Law Enforcement in National Resource Damage Assessment (NRDA) investigations; attendance at regional and national level meetings and conferences on contaminants; and coordination with other federal agencies with an interest in contaminant related investigations.

The advantages of having this position co-located with EPA are many. In general, co-location offers the sharing of information and resources between FWS and EPA. Co-location allows for an enhanced ability to work joint investigations of mutual interest, and allows the two agencies to share investigative information, data-base information, and agency expertise. Although Region 3 is fortunate in having an Agent dedicated to contaminant related issues full-time, all Special Agents in Region 3 will continue to vigorously pursue contaminant related investigations and prosecutions involving Service trust resources.

Wisconsin Man Sentenced for Shooting Endangered Gray Wolf in Michigan

Service Special Agents and State wildlife officers cooperated in an investigation which led to the successful prosecution and conviction of a Rhinelander, Wisconsin, man. The man was sentenced in state District Court for his shooting a female gray wolf in Iron County, Michigan in November, 1998. Service Special Agents and officers of the Law Enforcement Division of Michigan Department of Natural Resources investigated the case with assistance from officers from the Wisconsin Department of natural Resources. The case was prosecuted by the Iron County, Michigan, Prosecuting Attorney with assistance from the U.S. Attorneys Office in Marquette, Michigan. The defendant was assessed a fine of \$1000, ordered to pay \$1500 in restitution to the State of Michigan for the loss of the animal, serve 60 days in jail, and serve an additional 60 days of supervised release. The Judge forfeited the firearm used by the defendant, and revoked all future Michigan hunting privileges. Wolf #3605 was a one and a half year old female that had been radio collared as pup in 1997. The wolf was an important link in the effort to monitor the natural recovery of wolves in Michigan. 174 wolves in about 30 packs have been confirmed as residents of Michigan's Upper Peninsula.

Ohio River Ecosystem Team Creates Law Enforcement Subcommittee

In March, 1999, members of the Ohio River Ecosystem Team voted to create a Standing committee on Law Enforcement. The Standing Committee will address enforcement issues on a Ecosystem wide basis and coordinate enforcement efforts between Regions 3, 4, and 5 and the various state enforcement agencies within the Ecosystem. Special Agents from the three Regions as well as representatives of other Service programs will attend the Standing committee meetings. The possibility of expanding the Standing Committee for Law Enforcement concept has been explored with other Ecosystem Teams.

Eight Convicted of Illegal Bear and Moose Hunts

Seven men and one woman were indicted by a federal grand jury in November, 1998, in Minneapolis on felony and misdemeanor Lacey Act charges for illegally killing bear and moose in northeast Minnesota. The grand jury found that the group were hunting black bear and moose without licenses, tagging black bears taken in Minnesota with Wyoming tags, selling Minnesota resident black bear licenses and tags to nonresident hunters, conspiring to take, gut, skin, butcher, and store illegally taken bear and moose and unlawfully transport wildlife across state lines in violation of the Lacey Act. The investigation revealed that the defendants conspired to illegally hunt black bear and moose in Minnesota between September 1995 and September 1997.

In April, 1999, the eight defendants were sentenced in federal court in Duluth, Minnesota, after pleading guilty to Lacey Act violations involving the illegal take and transport of a moose and three bears. Six of the individuals received three years of supervised probation with the condition that they cannot hunt anywhere in the U.S. during that time. Additionally, total restitution in the amount of \$4355.00 was ordered to be paid by all of the defendants to the state of Minnesota. Court forfeiture was ordered on six weapons, a chain saw, bear mounts, bear and moose meat, and moose antlers. As one defense lawyer stated in arguing for leniency, the defendants were a "ragtag band of people who made some poor judgments out in the woods." This case was the final investigation conducted by SA Dave Duncan who retired in January, 1999.

Ghost Shirt Returned to Wounded Knee Survivors Association



The "Glasgow Ghost Shirt."

Wildlife Inspectors and Special Agents assisted in the International repatriation of a religious and historical Indian artifact, "The Glasgow Ghost Shirt". The Native American Ghost Dance Religion represented one of the largest social and religious movements among American Indians during the nineteenth century. Ghost Shirts were worn by Ghost Dancers as an important part of Native American religion, and the Sioux imbued the shirts with protective qualities by means of decoration with eagle feathers and an elaborate ceremony. The repatriated Ghost Shirt was taken to Glasgow, Scotland shortly after the Wounded Knee massacre in 1890 by "Buffalo" Bill Cody as part of his traveling "Wild West" show.

On July 28, 1998, a delegation led by the Glasgow Art Gallery and Museum arrived at Minneapolis/St. Paul International Airport with The Ghost Shirt which is adorned with Golden Eagle feathers, raven feathers, Great horned Owl feathers, and buffalo fur. The Shirt was accompanied by a CITES pre Convention Certificate. At the international arrivals building FWS Inspectors examined and cleared the Ghost Shirt. To facilitate the repatriation FWS then took custody of the Ghost shirt and escorted it through Customs and gave it to John Earl acting on behalf of the South Dakota Historical Society, The Cheyenne River Tribe, and the Wounded Knee Survivors Association. A series of celebrations in South

Dakota and on the Pine Ridge Reservation occurred marking the return of the Ghost Shirt.

Outreach/Training With Tribal Officers Continues

Region 3 Special Agents continue to offer support to tribal police and conservation officers in Wisconsin. In June, 1999, Special Agents provided firearms training to 35 officers of the Menominee Tribal Police Department and 3 Menominee Conservation Wardens. The agents conducted handgun re-qualification for all officers, and shotgun and rifle re-qualification for selected officers. In addition, mailings were sent to 33 Tribal Conservation Officers in the states of Minnesota, Wisconsin, and Michigan. The information was in follow-up to a class on "Identification of Eagle Feathers and Eagle parts" taught to the officers by Region 3 Special Agents in September, 1999. The mailing updated the Tribal Officers on the new eagle transportation regulations issued by the Service and included contact information for law enforcement offices in MN, WI, and MI.

Special Agents Help Develop Statewide HCP in Wisconsin

Wisconsin Special Agents assisted Region 3 Ecological Services personnel in developing the first comprehensive Statewide Habitat Conservation Plan for the endangered Karner Blue Butterfly. The historic agreement will protect the butterfly's habitat on more than 260,000 acres in Wisconsin while permitting local landowners, businesses and governments to continue to carry out their daily activities. The agreement was signed by Secretary Babbitt at a signing ceremony at Sandhill Wildlife Area in Babcock, Wisconsin. A Habitat Conservation Plan, or HCP, is a plan that provides for protection of endangered species while allowing economic development to continue. Under an HCP, landowners may take individual endangered or threatened species incidental to otherwise lawful activities when the effects of the taking are mitigated and minimized by conservation measures. Wisconsin agents ensured that the language contained in the HCP was enforceable, and worked closely with ES personnel in structuring the language to ensure compliance with its provisions well into the future.

Inspectors Clear First Eagle Export Under New Regulations

In September 1999, the Service issued a final rulemaking revising the general permit restrictions in 50 CFR part 22 applicable to American Indians and public institutions. The regulation provides for the issuance of eagle permits for the temporary transportation of lawfully possessed eagle parts into or out of the United States for Indian religious purposes or when a public institution transports eagle parts for scientific or exhibition purposes. On September 29, 1999, the first such "Eagle Transport Permit" issued by the Office of Management Authority (OMA) was presented to Service Wildlife Inspectors at Chicago's O'Hare International Airport for inspection and validation. A

Native American War Bonnet, containing approximately 65 golden eagle feathers was inspected and cleared for export to Scotland. The War Bonnet will be used in Native American religious ceremonies in Europe before returning to the United States.

Wildlife Inspectors Seize Sturgeon meat.

A commercial shipment of sturgeon meat, a CITES appendix II species, destined for a Las Vegas hotel, was detected during a routine review of airline cargo manifests. The meat was manifested as "smoked salmon" which would have been exempt from FWS regulation under the regulatory exemption for seafood destined for human consumption. FWS Inspectors, however, discovered invoices attached to the air waybill identifying some of the meat as sturgeon. Chicago is the only FWS port that routinely reviews airline manifests on a regular basis. It was later discovered that the meat was part of a larger shipment of sturgeon meat that had originated in the United States and had been exported illegally. After the sturgeon meat was seized and voluntarily abandoned by the importer, the sturgeon meat was donated to the Greater Chicago Food Repository in time for the New Years holiday.

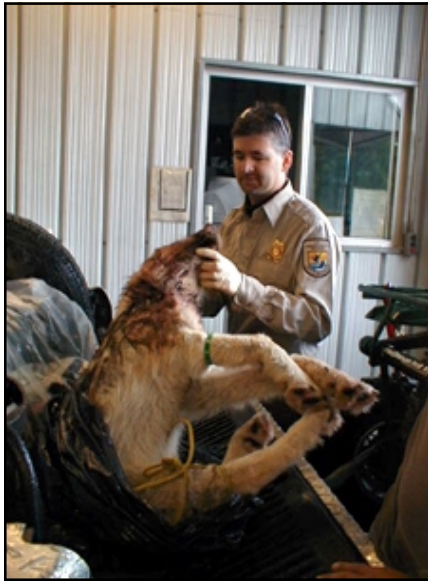
Service Donates Seized Paintbrushes to Chicago Area Schools

Based upon several import regulation violations, 12,000 illegally imported paintbrushes made of squirrel and sable hair were seized by Wildlife Inspectors at the port of Chicago. The paintbrushes were subsequently voluntarily abandoned by the importer. In June, 1999, Inspectors worked with the city of Chicago to distribute the brushes to the Chicago Public Schools Bureau of Visual Arts and to the Chicago Park District's Cultural Programming Department. The donation was intended to benefit local Chicago educational programs and help raise awareness of the illegal wildlife trade in the U.S. The donation was part of a ceremonial photo shoot before the FWS educational display in the departure level of O'Hare International Terminal.

The Wildlife Inspection program at O'Hare International Airport is staffed by 7 Wildlife Inspectors which processed over 4,000 wildlife shipments in FY '99. These 4,000 shipments generated 290 seizures which, to date, have resulted in the collection of over \$15,000 in fine and penalty money, mainly through the issuance of Violation Notices.

Detroit Inspectors Conduct Border Checks

For the third year in a row Detroit Inspectors conducted border checks of returning U.S. bear and waterfowl hunters from Canada at various land crossings on the Canadian border. In September over 300 bear hunters and their cargo were examined in one weekend, including 50 caribou hunters. Seizures



A Wildlife Inspector Mike Merida examines a sport-hunted Gray wolf at a Canadian border crossing in Michigan.

-USFWS Photo by Carmen Urfer-Parkes

made at the border checks included sport hunted gray wolves being exported unlawfully from Canada. In the fall of 1998 border checks resulted in over 30 Violation Notices being issued to returning U.S. hunters from Canada for various MBTA violations, including, over bag limits, license violations, and Migratory hunting stamp violations. Waterfowl hunters were checked at Wapole Island and the Algonac, Michigan border port. Over 1,300 sport hunted waterfowl imports occur every year at Algonac. The Detroit Inspection program processes over 1000 wildlife imports at the port of Detroit every year.

Goals for Fiscal Year 2000

During Fiscal Year 2000, the Law Enforcement Program will :

--Continue documenting violations which have the most significant impact on the wildlife resource, such as wild populations of federally protected species, and species protected by state or foreign laws, where there is an emphasis on unlawful commercial exploitation and/or habitat destruction or modification.

--Aggressively prosecute individuals, groups and criminal enterprises associated with such violations.

--Continue promoting and encouraging voluntary compliance with federal wildlife laws through public educational and awareness efforts, and create a deterrent effect through successful prosecutions and outreach efforts.

Fiscal Year 1999 Accomplishments

Joint Federal and State Investigation Nabs Rogue Taxidermist, Client

Rosemont Law Enforcement

An investigation that began nearly a year ago culminated with a guilty plea by Fred Vaintzettel of Elgin, Ill., to one misdemeanor count of unlawful possession of Illinois State Endangered Species.

Vaintzettel was ordered to pay a \$6,000 fine, and serve 18 months probation. Illinois Circuit Court Judge Brawka, who rejected the original plea, also required Vaintzettel to wear an electronic monitoring device for 14 days. Vaintzettel also paid \$5,000 for unlawfully possessing federally protected migratory birds, and for performing taxidermy services without a federal permit. Vaintzettel may also lose his Illinois hunting privileges for up to five years. While searching Vaintzettel's residence in May 1998, officers uncovered an illegal taxidermy business and an enormous amount illegally possessed wildlife including 20 mounted birds, such as hawks and owls and 332 frozen birds and bird parts. A search of Scott Johnson's residence, a client of Vaintzettel's, led to the seizure of 27 mounted and frozen birds including hawks, owls, song birds and shore birds. Johnson paid \$4,725 for his unlawful possession of migratory birds. 11/19/98

Sturgeon Meat Seized, Donated to Food Repository *Chicago Law Enforcement (Inspection)*

A commercial shipment of sturgeon meat, a CITES Appendix II species, destined for a Las Vegas hotel, was detected during a review of airline manifests. The meat was manifested as smoked salmon which would have been exempt from Service regulations as "seafood for human consumption." However, Service personnel discovered invoices attached to the air waybill identifying some of the meat as sturgeon. Chicago is the only Service port that routinely reviews airline manifests. It was later discovered the meat was part of a larger shipment of sturgeon meat that had originated in the United States and had been illegally exported. After abandonment, the sturgeon meat was donated to the Greater Chicago Food Repository in time for the New Years holiday. 12/31/99

Tarantula Smuggler Sentenced

Chicago Law Enforcement

On January 8, 1999, Bryant D. Capiz, owner of Arachnocentric, a wildlife import/export, wholesale and retail business, was sentenced in U.S. District Court for the Northern District of Illinois for a felony violation of the Lacey Act, predicated by the Endangered Species Act and U.S. Customs smuggling for the smuggling of live tarantulas. Capiz was sentenced to three years probation, required to enroll in alcohol treatment

program and pay a \$2,500 penalty. This concludes a five year investigation, dubbed Operation: Arachnid, which has resulted in the prosecution of three individuals (two felonies and one misdemeanor) for a total of \$14,400 in penalties, six and one-half years probation, four months home confinement and 200 hours of community service. 1/8/99

Canadian Fisherman Sentenced For Illegal Fishing on Lake Erie

Sandusky Law Enforcement

A Canadian commercial fisherman from Port Stanley, Ontario, was sentenced in U.S. federal Court, Cleveland, Ohio, Jan. 20, 1999, to two years probation and ordered to pay \$15,425 for violating federal wildlife laws after illegally harvesting fish from US waters of Lake Erie. Larry R. Jackson and L.R. Jackson Fisheries Ltd. were ordered to pay \$15,000 to the National Fish & Wildlife Foundation's (NFWF) Great Lakes Conservation Fund. The monies will be used by this non-profit organization specifically to enhance and protect fisheries resources on the Great Lakes. The fund will be administered by NFWF and the Service. In addition, Jackson paid \$425 in special court assessments. Emily Sweeney, United States Attorney for the Northern District of Ohio, announced the sentence against Jackson and his corporation, which was the result of an unprecedented international investigative effort by the U.S. Coast Guard, the Ontario Ministry of Natural Resources, Ohio Division of

Wildlife, and the U.S. Fish & Wildlife Service. On Nov. 26, and Dec. 29, 1997, Jackson and his corporation, L.R. Jackson Fisheries Ltd. were observed using gill nets to illegally harvest fish from US waters of Lake Erie in violation of Ohio state law and the federal Lacey Act. On both occasions, a U.S. Coast Guard helicopter observed Jackson's 60 foot fishing vessel, L.R. Jackson, operating within US waters of Lake Erie. The Coast Guard crew also videotaped Jackson's illegal harvesting of fish by gill net from the lake. On Nov. 2, 1998, Jackson's corporation plead guilty to a felony violation of the Lacey Act, while Jackson himself plead guilty to a misdemeanor violation of the Lacey Act. The U.S. Coast Guard and U.S. Fish & Wildlife Service have been working together for a number of years in an effort to deter this type of illegal activity. This case hopefully sends a clear message that such illegal activities will no longer be tolerated. Partners include: U.S. Coast Guard—Ninth District, Ontario Ministry of Natural Resources, Ohio Division of Wildlife.

1/21/99

Television Crew Covers Live Cobra Shipment Inspection

Chicago Law Enforcement (Inspection)

What could have been a sad tale of death, ended with the rescue of 260 live venomous krates and cobras. The snakes, originally destined for the Hong Kong food markets, were seized in Singapore by their Customs officials. Allegedly, officials in Singapore did not

know what to do with the snakes and one week later were still being held in their original bags. The Kentucky Reptile Zoo arranged to rescue the snakes. The snakes were imported through Chicago and declared to, and inspected by, Service Wildlife Inspectors. Due to public interest in the story, WGN TV, Chicago, Ill. televised the inspection on their news broadcast. 1/22/99

Law Enforcement Presentation to the American Society of Appraisers

Chicago Law Enforcement (Inspection)

A presentation and training session was made to the Chicago Chapter of the Personal Property Section of the American Society of Appraisers. The presentation was specifically designed for this unique audience, as these appraisers are often called upon to value or give advice regarding artifacts made from wildlife products. The import/export laws and many exceptions were covered in unusual detail due to the nature of the audience. This presentation was complimented by a folder of reference material unique to the type of legal questions and concerns of the appraisers.

1/27/99

Commercial Mussel Operation Sentenced in Federal Court

Des Moines Law Enforcement

A four-year investigation into the illegal take and interstate sale and export of freshwater mussels from protected waters in six Midwestern states resulted in the January sen-

tencing in federal court of Mississippi Valley Shell Company of Muscatine, Iowa, one of the largest exporters of freshwater mussel shells in the U.S. The illegally harvested shells were exported to Japan and elsewhere. Beads are cut from the shell to use as nuclei, which are implanted into oysters to create cultured pearls. Almost any finished pearls purchased anywhere around the world have their origins from Midwest freshwater mussel shells. Huge demand for pearls has caused the price paid for mussel shells to skyrocket. This price increase has resulted in over harvest from legal waters and depletion of the mussel resources there. Therefore, in an attempt to satisfy demand, some mussel operations and shell-buyers have been taking shells from protected, closed waters in several states. The freshwater mussel shell industry is estimated to be in the multi-millions of dollars annually in the U.S. alone. 1/28/99

Tennessee Man Sentenced For Smuggling Leopard, Crocodile and Ivory

Chicago Law Enforcement

A Madison, Tenn., man was sentenced in federal court Feb. 17, 1999, for unlawfully smuggling a leopard hide, several dwarf crocodile hides and elephant ivory into the United States in January 1996. The undeclared wildlife items were discovered and seized by Service wildlife inspectors at Chicago's O'Hare International Airport. An investigation by

Service special agents revealed that the smuggler co-owned an African theme restaurant in Madison, and had previously sought to acquire wildlife specimens for display. The court's sentence included a \$5,000 fine, two years of supervised probation and 200 hours of community service to be performed at Cross Creek National Wildlife Refuge. The defendant was also prohibited from international travel unless coordinated with the U.S. Probation Office. The defendant was also prohibited from possessing firearms while on probation. 2/17/99

Wildlife Smuggler Indicted

Chicago Inspection Program

On February 3, 1999, Paul W. Asper was indicted on a four-count indictment; smuggling (two counts), felon in possession of a firearm and violation of the Endangered Species Act. Asper was indicted for his actions which occurred on December 24, 1998, when he arrived in Chicago on a flight from Tokyo. He was initially sent to U.S. Customs secondary by the Immigration and Naturalization Service for a possible "beanie baby" violation. U.S. Customs chose to have his bags X-rayed and rhino horns were noticed. The U.S. Fish and Wildlife Service was called to examine his bags which produced the rhino horns and other wildlife. Records showed that Asper had previous wildlife violations. 2/3/99

FDA Training Leads to First Rhino Label Act Seizure

Chicago Inspection Program

Recognizing that the Food and Drug Administration (FDA) sees many shipments that would not normally fall under the purview of the Service, The Service initiated a training session to familiarize their inspectors with wildlife products, particularly medicinals, that they might encounter. Training was held on January 28, 1999. Within a week, FDA turned over a shipment of medicinals said to contain "rhino skin." These had been seized several months earlier, but FDA had not recognized the wildlife until the training. Our forensics lab was unable to determine the exact contents of the medicinals, but the violation is being pursued as the first seizure in Chicago under the new Rhino-Tiger Labeling Act. 2/4/99

Man Sentenced for Sale of Endangered Species

Chicago Law Enforcement

On March 1, 1999, Christopher Alm was sentenced in U.S. District Court for the Northern District of Illinois for a violation of the Lacey Act (felony), for the interstate sale of a live Galapagos tortoise, and in violation of the Endangered Species Act. Alm was given a \$2,000 penalty, six months home confinement, five years probation with random drug testing and must continue his psychiatric counseling. Alm was also prosecuted in State Court for possession of a firearm and possession/sale of a dangerous animal: a gila monster. 3/1/99

Fine Paid For Unlawful Sale of American Crocodile

Rosemont Law Enforcement

Gregory S. Prince of Dayton, Ohio, paid a \$2,000.00 fine on Wednesday, March 10, 1999, for his unlawful interstate sale of a federally endangered American Crocodile. Prince unlawfully sold the American Crocodile to Special Agent Steve Oberholtzer, who was acting in an undercover capacity, for \$400.00. SA Paul Beiriger and SA Andrew Pierce interviewed Prince who admitted purchasing at least seven additional American Crocodiles from an individual in Florida in 1993. SA Beiriger and officers of the Indiana Department of Natural Resources have been investigating the unlawful sale of American Crocodiles into the pet trade for over a year. To date, the investigation, which included the execution of a federal search warrant in Florida, has revealed additional unlawful sales of American Crocodiles into the pet trade from Florida to the states of Colorado, Connecticut, Indiana, Iowa, Missouri, and Ohio. The endangered American Crocodile's range in the United States is restricted to the southern tip of Florida. 3/10/99

Service Special Agent Honored by Michigan DNR

Ann Arbor Law Enforcement

On March 10, 1999, Special Agent Carl Wilson was awarded a Certificate of Merit by Michigan Department of Natural Resources (DNR) Director, K. Cool, and DNR

Chief of Law Enforcement, Herb Burns. The award was presented before 250 Conservation Officers at their annual training session. Agent Wilson was one of the lead investigators involved in the Tennessee Shell mussel investigation. He worked closely with Michigan DNR officers coordinating a four day surveillance and arrest of two Tennessee mussel divers on Michigan's Grand River. Carl was also instrumental in the indictment of 26 other defendants in the overall mussel investigations, most of whom had poached mussels from Michigan waters. His investigative efforts and the subsequent prosecutions played a key role in the conviction of the Tennessee Shell Corporation and the payment of a one million dollar criminal settlement in the case. Federal courts additionally directed other defendants to pay restitution totaling nearly \$80,000 directly to the state of Michigan. 3/10/99

Morey Fish Company Pays Fine

Green Bay Law Enforcement
Green Bay, Law Enforcement office conducted a Lacey Act (Fish) investigation with Wisconsin Department of Natural Resources (DNR) and Minnesota DNR which resulted in a conviction of Morey Fish Company, a licensed Wisconsin Wholesale Fish Dealer, with offices located in Golden Valley, Minn. The investigation was centered on the State of Wisconsin requirement that wholesale fish dealers be licensed and required to report all fish purchased or acquired

from Wisconsin. Morey Fish Company submitted false records of chub fish purchased and transported in interstate commerce. They also failed to report these fish purchased from Lake Michigan fish producers in Wisconsin and paid a \$1,500 settlement of a Lacey Act charge in the Eastern District of Wisconsin. 3/30/99

Services Staffs Booth at Detroit Zoo's Earth Day Event

Detroit Metro Airport Law Enforcement
Wildlife Inspector Carmen Parkes coordinated and staffed a Service display at the Detroit Zoo's Earth Day event April 17, 1999. This annual event celebrates conservation efforts throughout the Detroit metropolitan area and attracts hundreds of families each year. 3/30/99

Center for Native American Cultures Provides Eagle to Service Repository

Chicago Law Enforcement
On April 29, 1999, the Schingoethe Center for Native American Cultures, Aurora University, Aurora, Ill., contacted Service Special Agent Joe Budzyn regarding a mounted bald eagle they had received a few years ago from an unknown donor. The Center told Special Agent Budzyn they wanted to keep the eagle, and asked how it could legally retain it. Budzyn informed the Center of the Service's eagle repository and the Center agreed to abandon the eagle to the Service for transfer to the repository. The eagle was transferred to the repository

May 18, 1999. 4/30/99

EPA Special Agents Receive Training on Service Regulations

Chicago Law Enforcement
On May 12, 1999, Service law enforcement agents trained special agents from the Environmental Protection Agency's Criminal Investigation Division (CID), on Service-enforced statutes and regulations during a meeting in Chicago, Ill. The prohibitions of the Migratory Bird Treaty Act, Endangered Species Act, Lacey Act, and other federal wildlife statutes were presented. The application of these laws in EPA-related investigations was discussed. The training, conducted by Special Agent Joe Budzyn, is part of a continuing effort Region 3 Law Enforcement to address contaminant and environmental impacts to trust resources within the region. As a result of this training, EPA investigators will be aware of the potential for wildlife impacts and injury from unlawful activities under their jurisdiction, thus resulting in additional protection to trust resources. Additionally, the inclusion and prosecution of wildlife violations, as well as EPA violations, should provide an additional deterrent effect on violators. 5/12/99

Illinois Professor Pays Fine For Violating Migratory Bird Treaty Act

Chicago Law Enforcement
A Joliet, Ill., college professor and taxidermist with a history of wildlife convictions has again been fined for violating

wildlife laws. William Zales, a professor at Joliet Junior College, paid a \$400 fine in June in lieu of appearing in federal court to answer charges of unlawfully transporting a federally-protected Red Tail Hawk carcass that he had unlawfully received. The matter was initially investigated by the Illinois Department of Natural Resources and referred to Service law enforcement for prosecution. In a follow up interview conducted by Special Agent Joe Budzyn, the defendant alleged that he was set up by the Service in 1986, and that the current investigation by the Illinois DNR was politically motivated. However, when asked why he did not comply with the permit requirements the Zales simply said, "screw the permits." Zales was convicted in 1986 of unlawfully possessing migratory birds and performing taxidermy services on federally protected migratory birds without a permit. Partners include: Illinois Department of Natural Resources. 6/19/99

Cooperation, Education Help Save Protected Bank Swallow Colony in Suburban Chicago *Chicago Law Enforcement*

A call from a member of the Thron Creek Audobon Society to the Service's Chicago Law Enforcement Office resulted in the preservation of a colony of about 250 Bank Swallows in suburban Chicago. The swallows were nesting in a dirt pile belonging to a landscape supply company. The Audobon member advised Special Agent Budzyn of the nesting colony

and the potential for the mound's destruction by the supply firm. The landscape company was informed of the nesting swallows, and advised of its protected status, and nesting and migration characteristics. The company's manager said the swallows had colonized in the mounds in previous years and that he was unaware of the swallow's protected status. The manager said he could work around the nesting colony and agreed to leave the mounds undisturbed until the colony migrated. The cooperation of all parties was covered in several local newspapers and Chicago Wilderness magazine. Partners include: Mary Hahn, Thorn Creek Chapter, Audobon Society; Witvoet & Co. Excavating. 6/23/99

Service Inspectors Quiz Lincoln Park Zoo Summer Youth Interns *Chicago Law Enforcement (Inspection)*

Service Wildlife Inspectors gave a special presentation and training for the Lincoln Park Zoo Summer Youth Intern Group. More than the usual presentation, the students were trained in simple wildlife identification. A quiz involving the identification of nine items was administered. Many of the individuals in the group expressed an new career interest: Wildlife Inspector! 8/4/99

Illinois Man Prosecuted for Smuggling Mexican Bobcat
Chicago Law Enforcement
On August 17, 1999, a Yorkville, Ill., resident paid a \$2,500.00 fine and forfeited a

mounted bobcat to the Service. The bobcat was killed illegally in Mexico, smuggled into the United States at Laredo, Texas, and transported to Yorkville. The hunter, who had a permit to hunt white tail deer, alleged that the Mexican outfitter told him he could also legally hunt bobcat on his white tail deer permit. The hunter also told Special Agent Joe Budzyn that he declared the bobcat upon import into the United States. Budzyn's investigation revealed the hunter did not have a Mexican permit to shoot bobcat, and that he did not declare the bobcat when he imported it. This investigation was predicated by information received from Illinois Department of Natural Resources Conservation Police Officer Hyatt who learned of the bobcat from records of an Algonquin, Ill. taxidermist. Special Agent Bustamonte, Region 4, also provided assistance in obtaining information from the Government of Mexico. The mounted bobcat will be donated to a public scientific or educational institution for display. Partners include: Illinois Department of Natural Resources and Government of Mexico 8/17/99

Rockford, Ill., Men Charged With Wildlife Violations *Des Moines Law Enforcement*

Two Rockford, Ill., men have been charged in federal court with illegal hunting and other firearms violations while on the Upper Mississippi River National Wildlife and Fish Refuge. United States Attorney Stephan J. Rapp said that La Thammovang, 44, and Ping

Phommatheth, 47, have each been charged with one count of killing protected migratory birds, one count of taking animals and one count of carrying and discharging firearms, all on a National Wildlife Refuge. The information alleges that on or about November 26, 1998 Thammovong killed five mallard ducks and one squirrel in a closed area of the Upper Mississippi River National Wildlife and Fish Refuge in Northeast Iowa.

Phommatheth allegedly killed five mallards and one wigeon. Both men were also charged with discharging firearms on the Upper Mississippi River National Wildlife and Fish Refuge. Trial is scheduled for November 2, 1999. The investigation was conducted by the Iowa Department of Natural Resources and the Law Enforcement Division of the U.S. Fish and Wildlife Service at Des Moines, Iowa. 8/24/99

Commercial Shipment of Sturgeon Caviar Found in Passenger's Luggage

Chicago Law Enforcement (Inspection)

Approximately 23,590 grams of sturgeon caviar from Russia was confiscated by Service Wildlife Inspectors August 25, 1999, after the undeclared shipment was discovered in a passenger's luggage by USDA inspectors. The caviar, valued at \$5,000, was detected by USDA X-ray equipment at Chicago's O'Hare International Airport. Aluminum foil used to cool the caviar obstructed viewing of the contents. USDA officers searched the luggage and found the caviar.

Service inspectors seized the caviar, which was destined for the importer's Chicago restaurant. The importer abandoned the caviar. Sturgeon has been afforded Appendix II protection under the Convention on International Trade in Endangered Species (CITES) since April 1, 1998. CITES permits must accompany commercial shipments of sturgeon or products (caviar). Partners include: U.S. Department of Agriculture, Animal Plant and Health Inspection Service 8/25/99

Indiana Migratory Bird Enforcement Detail

Indianapolis Law Enforcement Service Special Agents Larry Harris and Gerry Sommers joined Indiana Conservation Officers September 4, 1999, as part of state-federal migratory bird enforcement task force in west central Indiana. The task force checked more than 100 hunters in Sullivan and Knox counties during the early Canada goose, dove and teal seasons. Special Agent Sommers conducted aerial surveillance to locate hunters and bird concentrations. Six warning citations were issued for license violations and one hunter was cited for hunting with an unplugged shotgun. 9/4/99

Service Wildlife Inspectors Train 43 Chicago Customs Brokers

Chicago Law Enforcement (Inspection)

Service wildlife inspectors in Chicago trained 43 Customs brokers on Service import and export procedures September

9, 1999. The brokers, part of Expeditors International, were trained in an effort to help eliminate time-consuming errors during the import/export process, while familiarizing them with Service regulations. In preparation for the training Inspectors revised and updated the Port Procedures manual for Chicago. This manual and copies of current regulations were distributed to all attendees. The training was the first in a series of broker-specific training targeted for all major brokerage houses in Chicago. 9/9/99

Changes to Bird Baiting Laws Explained at Tri-State Meeting of Conservation Officers

Indianapolis Law Enforcement Service Special Agent Larry Harris explained recent changes in migratory bird baiting regulations to conservation officers attending the annual Tri-State Law Enforcement meeting Sept. 14, 1999 in Sumner, Ind. About 50 conservation officers from Indiana, Kentucky and Ohio attended the meeting, with representatives from each state addressing specific conservation issues and concerns. 9/14/99

Environmental Contaminant Training provided to National Park Service

Chicago Law Enforcement Special Agent Joe Budzyn educated members of the National Park Service about the harmful effects of contaminants on trust species and the laws used to address contaminant issues during a three-day

Non-Federal Oil and Gas Production Operations and Compliance Course, Sept. 15, 1999. About 30 Park Service employees representing Park Service facilities that have active oil and gas production on their lands attended the course. Special Agent Budzyn provided an overview of the Service's Problem Oil Pit (POP) Project, discussed the effects of environmental contaminants on trust species, and explained statutes and regulations used to address contaminant issues. 9/15/99

Special Agents Train Tribal Conservation Officers

Madison Law Enforcement
Special Agents Ed Spoon and Sam Friberg provided specialized training to 33 Tribal Conservation Officers from 14 Tribes in the Great Lakes area during the Regional Conference of Native American Fish and Wildlife Society Sept. 15, 1999, in Tower, Minn. The agents trained the officers in identification techniques for bald and golden eagle feathers and parts. The class covered Service enforcement policies regarding Native Americans, obtaining eagle feathers via the National Eagle Repository, submitting evidence to the National Fish and Wildlife Forensics Laboratory, and very recent case law concerning access to the Repository by non-enrolled Native Americans. 9/15/99

Wisconsin Corporation Pays \$30,000 for Violating Wildlife Laws

Madison Law Enforcement
The Weyco Group Inc., a

Glendale, Wis., shoe manufacturing and distribution company, pleaded guilty in federal court Sept. 24, 1999, to one count of violating the Migratory Bird Treaty Act. The plea was part of an agreement in which the firm admitted to killing gulls on the roof of its warehouse. The firm paid a \$15,000 criminal fine and donated an additional \$15,000 to the National Fish and Wildlife Foundation, Great Lakes Fisheries Conservation Fund, to be used for the conservation of colonial water birds in the Great Lakes region. The Service investigated the case after Wisconsin DNR Conservation Wardens responded to citizen complaints that gulls were being killed and shoveled off the roof of the Weyco building. The Service had issued a permit to Weyco, authorizing it to destroy up to 1,000 herring gull and ring-billed gull nests and eggs. The investigation revealed that two company employees far exceeded the conditions of the permit, which did not permit the destruction of live/adult gulls. 353 gull carcasses were recovered by investigators. Partners include: Wisconsin DNR Law Enforcement, USDA-APHIS-Wildlife Services, Waupun, Wis., United States Attorneys Office, Milwaukee, Wis., Wisconsin Society for the Prevention of Cruelty to Animals. 9/24/99

Chicago Law Enforcement Clears First Eagle Export Under New Regulations

Chicago Law Enforcement (Inspection)
New regulations allow the

import or export of dead bald and golden eagles, eagle mounts, parts, feathers, nests, dead eggs and items made from or containing these materials to be issued to Native Americans for religious purposes. These activities were formerly prohibited under the Bald and Golden Eagle Act, the Migratory Bird Treaty Act, the Endangered Species Act and Convention on International Trade in Endangered Species (CITES). New permits, referred to as Eagle Transport Permits can now be issued to meet the requirements of these statutes. On Sept. 29, 1999, the first "Eagle Transport Permit" issued by the Office of Management Authority (OMA) was presented to Service Inspectors in Chicago for inspection and validation. A Native American war bonnet containing approximately 65 golden eagle (*Aquila chrysaetos*) feathers was inspected and cleared for export to Scotland. 9/29/99

Firearms Training Provided to Refuge Officers

Indianapolis Law Enforcement
Special Agents Larry Harris and Gerry Sommers provided firearms training to refuge officers from Crab Orchard, Muscatatuck and Mingo National Wildlife Refuges during September 1999. Training included semi-auto transitional training and certification, shooting techniques, pistol, rifle, and shotgun qualifica-

tions. 9/29/99

Wildlife Inspection Outreach at Special Events

Chicago Law Enforcement (Inspection)

The Chicago Wildlife Inspection Program is often invited to give presentations at schools and other organizations. We are also often asked to operate a booth or table at a variety of special events. In fiscal year 1999, the FWS/Law Enforcement, Wildlife Inspection Program gave presentations at a middle school, several large Girl Scout groups, schools in the Expanding Horizons program and the Canadian Consulate. The Inspection Program also has set up a table or booth at special events sponsored by the Brookfield Zoo (2), Lincoln Park Zoo (2), U.S. Customs International Trade Show Open House, Morton College career day, nature centers and the Cosley Animal Farm. Through these outreach programs, thousands of people learn about the Service mission, and its role in conservation. 9/30/99

Outreach Presentations at O'Hare Airport Reach Nearly 1,000

Chicago Law Enforcement (Inspection)

Many groups and individuals come to International Terminal at Chicago's O'Hare Airport seeking information about international travel laws. While the groups are hosted by U.S. Customs, U.S. Department of Agriculture and the City of Chicago Department of Aviation, nearly all the groups request a presentation by U.S.

Fish and Wildlife Service (which is usually the highlight of the entire tour!) Because the Service inspectors are located at the International Terminal, nearly all requests for presentations are honored; with minimal disruption to our inspection mission. During Fiscal year 1999, wildlife inspectors met with more than 34 groups, comprising nearly 1,000 people. 9/30/99

Tortoise Smuggler Fined in Detroit

Ann Arbor Law Enforcement
Last October Nazem Daher smuggled two live tortoises into Detroit Metro Airport from Lebanon. U.S. Customs detected the tortoises wrapped in clothing in Daher's luggage. Service Wildlife Inspector Carmen Parkes identified the tortoises as African spur-thighed tortoises which are protected by CITES, (Convention on International Trade in Endangered Species.) Special Agent Sheila O'Connor issued Nazem a ticket for the illegal importation. On July 6, 1999, Nazem was found guilty of the charges in federal court, and ordered to pay a \$250 penalty. The tortoises are now belong to the Service and will be used in public outreach efforts. 06/08/99

Wisconsin Man Indicted For Lacey Act Violations

Madison Law Enforcement

A federal grand jury in Madison, Wis., returned a three-count indictment July 15, 1999, against Clyde H. Masten III, for violations of state and federal wildlife laws. Masten, of Portage, Wis., was charged with making false statements to Service special agents, a felony; and two misdemeanor violations of the Lacey Act for illegally taking, possessing and transporting white-tailed deer across state borders in violation of Wisconsin law and the Lacey Act. A trial date was not scheduled. The investigation was a joint effort involving Service law enforcement agents, agents from Wisconsin and Michigan Departments of Natural Resources and the Service's Leopold Wetland Management District. 7/15/99